

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAI RAIL, INC., :  
Plaintiff, :  
: :  
-against- : 20 Civ. 4644 (LGS)  
: :  
BADGER MINING CORPORATION, : ORDER  
Defendant. :  
----- X

LORNA G. SCHOFIELD, District Judge:

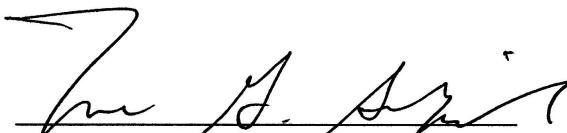
WHEREAS, Plaintiff filed a pre-motion letter, proposing an immediate motion for summary judgment (Dkt. No. 11);

WHEREAS, Defendant filed a letter response (Dkt. No. 17), to Plaintiff's pre-motion letter (Dkt. No. 11);

WHEREAS, the initial pretrial conference was held on August 27, 2020. For the reasons stated at the conference, it is hereby

**ORDERED** that by **Tuesday, September 1, 2020**, Plaintiff shall file a letter stating whether it intends to proceed with a motion for summary judgment and, if so, (1) stating the scope of the motion, (2) confirming Plaintiff's understanding that multiple summary judgment motions on the same subject matter (*e.g.*, liability) will not be accepted and (3) proposing a briefing schedule agreed upon by the parties. The case management plan ("CMP") will issue in a separate order. The parties' attention is particularly directed to the provisions for periodic status letters, and the need for a pre-motion letter to avoid cancellation of the final conference and setting of a trial date. The parties should be aware that the Court does not extend the deadlines for fact and expert discovery absent compelling circumstances, and that the use of any alternative dispute resolution mechanism does not stay or modify any date in the CMP.

Dated: August 27, 2020  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE